

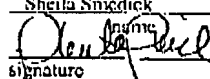
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: MARK D. AUSTIN )  
SERIAL NUMBER: 09/822,316 ) ART UNIT: 2617  
FILED: April 2, 2001 ) Examiner:  
FOR: CELLULAR HANDOFF BASED ON ) William D. Cumming  
TRAFFIC LOAD SHARING )

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## REQUEST FOR PRE-APPEAL BRIEF CONFERENCE

In response to the Final Office Action mailed November 16, 2006, and in conjunction with the concurrently filed Notice of Appeal, Applicants request a pre-Appeal conference in view of the following remarks.

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## REMARKS

In response to the Office Action dated November 16, 2006, Applicants respectfully request reconsideration based on the following remarks. Applicants respectfully submit that the claims as presented are in condition for allowance.

Prior to addressing the outstanding rejections, a brief description of features of embodiments is provided. Embodiments provide for handoff of calls in a cellular network. One factor to be considered when selecting a cellular site for handoff is a level of traffic at each cellular site. The level of traffic may be determined from stored known load patterns which associate a level of traffic with a time period. Figure 4 illustrates different frequencies associated with known load patterns during particular times of day. This information is helpful in selecting a site for handoff so that a cell site does not experience excessive traffic.

Claims 1-7, 10, 11 and 33 were rejected under 35 U.S.C. § 103 as being anticipated by Bodin in view of Li. This rejection is traversed for at least the following reasons.

Claim 1 recites, *inter alia*, "wherein determining the level of traffic at each cellular site includes accessing stored known load patterns for each cellular site, the stored known load patterns associating a level of traffic with a time period for each cellular site such that selecting a cellular site for handoff is based in part on expected load at each cellular site." Support for this feature is provided, for example, in at least paragraph [0025] of Applicants' specification.

It should also be noted that the Examiner has implied that the wherein clause argued by Applicants is not entitled to patentable weight. The Examiner, however, has apparently construed the wherein clause as being entitled to patentable weight and has cited the Li reference in order to meet the features recited in the wherein clause. Thus, Applicants consider the entire claim language in analyzing the rejection.

The Examiner acknowledges that Bodin fails to teach this feature and relies on Li as allegedly teaching this feature. Applicants submit that Li does not teach "wherein determining the level of traffic at each cellular site includes accessing stored known load patterns for each cellular site, the stored known load patterns associating a level of traffic with a time period for each cellular site such that selecting a cellular site for handoff is based in part on expected load at each cellular site."

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Li considers traffic at a cell to determine whether cells serving a local service area should be opened up to users outside the cell or restricted to only users within the local service area. Thus, the processing in Li is not performed for selecting a cellular site for handoff, but rather is performed to determine the class of users that may access a cell in a local service area. As described in paragraph [0024] of Li, during high traffic periods, only users in a localized service area can access a cell. If Li is combined with Bodin, there is still no teaching or suggestion of using known load patterns for selecting a cellular site for handoff based in part on expected load at each cellular site as set forth in claim 1. Thus, the combination of Bodin and Li fail to teach the features of claim 1.

For at least the above reasons, claim 1 is patentable over Bodin in view of Li. Claims 2-7, 10, 11 and 33 variously depend from claim 1 and are patentable over Bodin in view of Li for at least the reasons advanced with reference to claim 1.

In view of the foregoing remarks and amendments, Applicants submit that the above-identified application is now in condition for allowance. Early notification to this effect is respectfully requested.

If there are any charges with respect to this response or otherwise, please charge them to Deposit Account 06-1130.

Respectfully submitted,

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